

AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Northern District of New York

United States of America

v.

Moises Orozco Castaneda

Case No.

1:18-MJ-666 (DJS)

Defendant(s)



CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 11, 2018 in the county of Rensselaer in the
Northern District of New York, the defendant(s) violated:

Code Section

18 U.S.C. 1361

Offense Description

Destruction of Government Property (Misdemeanor)

This criminal complaint is based on these facts:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief: On or about September 11, 2018 in Rensselaer County, in the State and Northern District of New York, the defendant, Moises Orozco Castaneda, did knowingly and willfully injure or commit a depredation against property of the United States, or of any department or agency thereof, or any property which

☒ Continued on the attached sheet.

Complainant's signature

Deportation Officer Timothy Hancox

Printed name and title

Sworn to before me and signed in my presence.

Date: Nov 2, 2018City and state: Albany, New York

Judge's signature

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

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has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offense, that is, the defendant did intentionally damage or attempted to damage and discard a LOC8 GPS unit, LOC8 strap, LOC8 clip, LOC8 rechargeable battery, and LOC8 wall charger with power cord.

In violation of Title 18 United States Code, Section 1361.

I further state that I am an ICE Deportation Officer and that this complaint is based on the following facts:

Orozco Castaneda is an alien who is present in the United States without having been admitted or paroled, or who arrived in the United States at any time or place other than designated by the Attorney General.

On June 27, 2018, Orozco Castaneda was arrested by United States Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE-ERO) in Troy, New York and issued a Notice to Appear for Immigration Court. Orozco Castaneda was released from ICE-ERO custody on the Alternatives To Detention program requiring the use of the LOC8 GPS ankle monitor. Orozco Castaneda was processed to initiate immigration removal proceedings on June 27, 2018. A custody determination was made which included the use of an electronic monitoring device. Orozco Castaneda was released from custody after the monitoring device was affixed to his ankle and it was explained to Orozco Castaneda that he was required to wear the monitor as part of ICE supervision.

On September 11, 2018, at approximately 2022hrs, ICE-ERO Albany received an electronic notification from BI Incorporated that Orozco Castaneda had tampered with his assigned GPS (LOC8) unit. ICE-ERO officers arrived at the last known location of the LOC8 unit (2805 5th Avenue, Troy NY) to recover the unit valued at \$1900.00 USD. The LOC8 unit was recovered near an on-ramp to NY Route 787 at the intersection of River Street and Jay Street in Troy, NY. The LOC8 unit was inside a paper bag with its wall charger and power cord. The LOC8 strap valued at \$30.00 USD had been cut. Orozco Castaneda was located and ultimately arrested by ICE-ERO at the Greyhound Bus Station in Albany, NY. Orozco Castaneda admitted that he cut the device from his ankle, placed it in a brown paper bag, and tossed it out the window of a moving car. At least one component of the device, the strap, was destroyed.